

## **REMARKS/ARGUMENTS**

### **I. Introduction:**

Claims 1, 7, 9, 22, 28, and 30 are amended herein. Claims 11-21, 32-35, and 36-41 are withdrawn from consideration.

### **II. Specification:**

The specification has been amended to correct a typographical error noted by the Examiner.

### **III. Drawings:**

The drawings are amended herein to replace reference number 504 "For Client 1" with reference number 506.

### **IV. Election/Restrictions:**

Group I is elected without traverse.

Applicants' undersigned attorney spoke with Examiner Qureshi on October 9, 2007 regarding the grouping of claims 36-38. The Examiner stated that claims 36-38 should be in group III. Therefore, group I includes claims 1-10 and 22-31.

### **V. Claim Rejections – 35 U.S.C. 102:**

Claims 1-10 and 22-29 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,721,302 (Alastalo).

Alastalo discloses a system for communicating packet data in a SDMA communication scheme. First a determination is made of the relative sizes of data to be

communicated pursuant to separate communication sessions. Responsive to such determination, a selection is made as to the amount of data to be communicated within a selected time period. The data is padded (Fig. 2) or fragmented (Fig. 5) so that the data lengths are the same.

Claims 1, 7, 22, and 28 have been amended to specify that a first preamble is inserted into a first packet and a second preamble is inserted into a second packet. At least one of the first second preambles comprise symbols for use in synchronization and both of the first and second preambles comprise symbols for use in channel estimation. The first and second preambles are each configured with a quiet period to allow transmission of one of the symbols in the other packet.

Alastalo does not disclose insertion of a preamble into a packet.

Accordingly, claims 1, 7, 22, and 28 and the claims depending therefrom, are submitted as patentable over the cited references.

Claim 4 is directed to a method generally comprising identifying ranges of subscriber units from an access point, assigning a first group of subscriber units to transmit during a first transmission slot, and assigning a second group of subscriber units to transmit during a second transmission slot. Subscriber units of the first group are chosen to have substantially similar ranges to one another and subscriber units from the second group are chosen to have substantially similar ranges to one another.

Alastalo do not disclose identifying ranges of subscriber units from an access point or group the subscriber units together based on range. Applicants' grouping of subscriber units by distance from an access point allows simultaneous transmissions to be synchronized more precisely for simultaneous arrival at the access point. Also, received power levels will not be highly disparate and both signals will be recoverable within the receiver's dynamic range.

Accordingly, claim 4 and the claims depending therefrom are submitted as patentable over Alastalo.

Claim 25 is directed to an apparatus for operating an access point and corresponds generally to claim 4. Claim 25, and the claims depending therefrom, are therefore submitted as patentable for at least the same reasons as claim 4.

Claim 9 corresponds generally to claim 30, which is rejected under 35 U.S.C. 103 and is addressed below.

VI. Claim Rejections – 35 U.S.C. 103:

Claims 30 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Alastalo in view of U.S. Patent Application Publication No. 2002/0193146 (Wallace et al.).

Wallace et al. disclose a method for antenna diversity in a wireless communication system.

Claim 30 is directed to an apparatus for operating a subscriber unit in a MIMO communication system and generally comprises a receiver block that receives a first packet from an access point in a first spatial subchannel and receives a second packet from the access point simultaneously in a second spatial subchannel that shares bandwidth with the first spatial subchannel, and a decoder block that decodes only the first packet and not the second packet. Claim 9 is a method claim generally corresponding to claim 30. Claims 9 and 30 have been amended to include receiving a message comprising subscriber channel assignment information. Since the subscriber subchannel assignment information is received, the subscriber unit need only decode the spatial subchannel addressed to it.

Neither Alastalo nor Wallace teach receiving subchannel assignment information and decoding only a first packet and not the second packet received in a simultaneous transmission.

In rejecting claim 30, the Examiner cites paragraph [0102] of Wallace et al. This section of the application describes how received symbols are processed. There is no discussion of decoding only a first packet.

Accordingly, claims 9 and 30, and the claims depending therefrom, are submitted as patentable over the cited references.

VII. Conclusion:

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



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**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 5. This sheet, which includes Figs. 5 and 6, replaces the original sheet including Figs. 5 and 6.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes